

REMARKS

Claims 4-9, 12-14 and 16-17 are pending in the application. This amendment is submitted in conjunction with a Request For Continued Examination. Claims 4, 12, 16 and 17 are amended. Reconsideration and allowance of the application are respectfully requested.

Claims 4-5, 9 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over combinations of Japanese patent document JP 10200493 to Iwasaki, et al. ("Iwasaki") in view of U.S. patent number 6,625,548 to Pihl, et al. ("Pihl") and German patent number DE 4424380 to Luegering ("Luegering").

Interview Summary

On November 28, 2006, a telephonic interview was had between the undersigned attorney and the Examiner. A proposed amendment to claim 4 was provided and discussed. No other claims were discussed and no agreement was reached.

Claim Amendments

Claims 4, 12, 16 and 17 have been amended to better distinguish the invention defined by these claims over the prior art relied on in the rejection. In the final rejection, in the third paragraph on page 19, it is stated:

Examiner respectfully disagrees with Applicant's assertions. Iwasaki clearly discloses an information receiving terminal (PHS terminal PS1) that receives information broadcast from a base station CS1. See page 23, paragraph 59. *The claims do not distinguish the information receiving terminal from the mobile communication terminal.* The information requesting terminal and receiving terminal can be the same terminal based on the manner in which the claims are recited. (*emphasis added*)

It is respectfully submitted that the amendments herein overcome the current grounds for rejection. Specifically, independent claim 4 is amended to recite an information receiving terminal which is different from and located apart from the mobile communication terminal. Similar amendments have been made to independent claims 12, 16 and 17.

In an exemplary embodiment, the mobile communication terminal is a cellular telephone and the information receiving terminal is a set top box. The mobile communication terminal may be used to select information for delivery to the information receiving terminal.

During the interview, the examiner expressed concern that the two devices could be considered the same mobile terminal in a mobile communications network. Thus the examiner recommended that if the claim recited a cellular system, for example, it should recite that the mobile communication terminal and the information receiving terminal are in separate cells of the system. Alternatively, in the cellular system example, he suggested that if the claim recited a “first mobile communication terminal” and a “second mobile communication terminal,” rather than an information receiving terminal, there would be sufficient distinction over the current prior art. In the set top box example, he suggested that the claim recite that the two devices are in a different location or a different part of the network, or that the information receiving terminal is served by a different network.

It is respectfully submitted that reciting that the two claimed devices are in separate cells is not properly descriptive. For example, it is possible that, in the mobile communication network 20 of Fig. 17 of the present application, an STB 40 and a mobile communication terminal 21a, 21b may be accommodated in the same network. With respect to reciting “first mobile communication terminal” and a “second mobile communication terminal,” it is respectfully submitted that the proposed amendments to claims 4, 12, 16 and 17 sufficiently distinguish the two devices. According to the amended claim 4, the information receiving terminal is “different from and located apart from” the mobile communication terminal. Thus, the two devices are different, but may operate in the same cell or on the same network.

The cited references

These features are missing from the cited references. The final office action acknowledges that “Iwasaki et al. fails to disclose delivering information in response to an information delivering request to the information delivery device.” The final office action relies on Pihl for the missing teaching. “Pihl discloses a message delivery system in which information is delivered to a destination in response to an information delivering request to an information delivery service,” citing col. 5, lines 27-45 of Pihl.

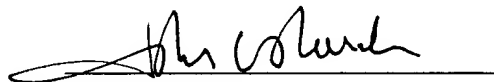
Pihl actually relates to a network-assisted mobile terminal GPS system (Abstract). The cited portion of Pihl refers to a method for obtaining GPS assistance data from a network. A mobile station (10) submits a request for such data to the network (32). The mobile switching center (MSC 33) requests a serving mobile location center (SMLC 34) to deliver the requested data to the mobile station 10 (column 5, lines 31-41).

Among other shortcomings, Pihl taken in conjunction with Iwasaki still fails to disclose the recited "information receiving terminal which is different from and located apart from the mobile communication terminal." Since the references, alone or in combination, fail to disclose all the limitations of the claimed invention, the rejection may not be maintained. Further, claims 12, 16 and 17 include similar limitations and are allowable for the same reasons.

Accordingly, withdrawal of the rejection of claims 4-5, 9 and 16-17 and allowance of the application is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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December 20, 2006
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